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UNITED STATES MAGISTRATE COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. 4-13-70693 MAG
)	
Plaintiff,)	
)	
v.)	ORDER AND STIPULATION FOR
)	CONTINUANCE FROM AUGUST 27,
)	2013 TO AUGUST 28, 2013 AND
TIMOTHY FARRELL,)	WAIVING TIME LIMITS UNDER RULE
)	5.1
Defendant.)	
)	

With the agreement of the parties, and with the consent of the defendant, the Court enters this order scheduling a preliminary hearing date of August 28, 2013 at 9:30 a.m. before the duty magistrate judge, and documenting the defendant's waiver of the preliminary hearing date under Federal Rule of Criminal Procedure 5.1 from August 27, 2013 to August 28, 2013. The parties agree, and the Court finds and holds, as follows:

1. Counsel for the government has been out of state for the last week which has prevented the parties from engaging in substantial pre-Indictment settlement discussions. Moreover, counsel for the government has a scheduling conflict on August 27, 2013 and has confirmed with defense counsel that the defendant is amenable to a one day extension of the Rule 5.1 deadline.

1 2. The defendant agrees to extend the time limits of Federal Rule of Criminal Procedure
2 5.1 for preliminary hearing until August 28, 2013.

3 3. Counsel for the defense believes that postponing the preliminary hearing is in his
4 client's best interest, and that it is not in his client's interest for the United States to indict the
5 case during the normal timeline established in Rule 5.1.

6 4. The Court finds that, taking into the account the public interest in the prompt
7 disposition of criminal cases, these grounds are good cause for extending the time limits for a
8 preliminary hearing under Federal Rule of Criminal Procedure 5.1.

9 5. Accordingly, and with the consent of the defendant, the Court (1) sets a preliminary
10 hearing date before the duty magistrate judge on August 28, 2013, at 9:30 a.m., and (2) orders
11 that the period from August 27, 2013 to August 28, 2013 be excluded from the time period for
12 preliminary hearings under Federal Rule of Criminal Procedure 5.1.

13
14 IT IS SO STIPULATED:

15
16 DATED: August 26, 2013

_____/s_____
NED SMOCK
Attorney for Defendant

17
18
19 DATED: August 26, 2013

_____/s_____
RANDY S. LUSKEY
Assistant United States Attorney

20
21
22 IT IS SO ORDERED.

23 DATED: 8/26/2013



HON. DONNA M. RYU
United States Magistrate Judge